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Counsel for Defendant MATTHEAU FAITHAUER

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEAU FAITHAUER,

Defendant.

No. CR-12-00074 MEJ

**DEFENDANT'S REQUEST FOR ORDER
GIVING U.S. PROBATION DISCRETION
TO START DEFENDANT'S TERM OF
HOME CONFINEMENT LATER THAN 14
DAYS AFTER SENTENCING; ~~PROPOSED~~
ORDER**

On October 25, 2012, the Court sentenced defendant Mattheau Faithauer to a term of probation with Special Condition of Probation No. 7 being that he consent to home confinement with location monitoring at the discretion of U.S. Probation for a period of 6 months. Presumably in light of an issue raised in defendant's sentencing memorandum regarding Mr. Faithauer's job training and a related request that Mr. Faithauer's start date for home confinement be at the discretion of U.S. Probation, the court orally stated that the start date of Mr. Faithauer's home confinement would be at the discretion of U.S. Probation. The written judgment did not explicitly include this term but

1 because it also did not specify a start date for the home confinement, undersigned counsel believed
2 that this effectively granted U.S. Probation such discretion.

3 Undersigned counsel has learned that U.S. Probation has an agreement with the Court to
4 commence home confinement no later than 14 days after sentencing unless otherwise ordered by the
5 Court. In order to delay the start date of home confinement to accommodate Mr. Faithauer's
6 completion of job training by November 29, 2012, U.S. Probation has indicated that the Judgment
7 either needs to be amended or the Court needs to issue an Order. Thus, the defense respectfully
8 requests that the Court sign the proposed Order giving U.S. Probation discretion to start Mr.
9 Faithauer's home confinement more than 14 days after sentencing at its discretion. Alternatively, the
10 Court could issue an Amended Judgment in a Criminal Case making this modification to Special
11 Condition No. 7.

12
13 DATED: November 2, 2012

14 Respectfully Submitted,

15 STEVEN G. KALAR
16 Federal Public Defender

17 /s/

18 SHAWN HALBERT
19 Assistant Public Defender
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~~PROPOSED~~ ORDER GIVING U.S.
PROBATION DISCRETION TO START
DEFENDANT'S TERM OF HOME
CONFINEMENT LATER THAN 14 DAYS
AFTER SENTENCING

For good cause shown, IT IS HEREBY ORDERED that U.S. Probation has discretion to start Mr. Faithauer's six month period of home confinement more than 14 days after sentencing.
IT IS SO ORDERED.

DATED: November 28, 2012


THE HONORABLE MARIA-ELENA JAMES
Chief United States Magistrate Judge